

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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:  
SCAFA-TORNABENE ART PUBLISHING CO., :  
INC., :  
Plaintiff, : 03 Civ. 8273 (DLC)  
:  
-v- : MEMORANDUM OPINION  
:  
PRIDE PRODUCTS CORPORATION, J.S. : AND ORDER  
:  
TRADING, LLC, MARC SHAMS, MAC SWED, :  
INC., TRIPLE LUCKY GROUP, INC., Y&G :  
GROUP, INC., JCL GROUP, INC., DAVID HE, :  
METTIME GROUP, INC., and M.S.I. INT'L., :  
aka MSI INTERNATIONAL, JBL GROUP, INC., :  
JEFF GUANG, SUI PING QU, DING CHAI YE, :  
JIAN LIN ZHU, XU PING DONG, :  
Defendants. :  
:  
-----X

DENISE COTE, District Judge:

#### PROCEDURAL HISTORY

The plaintiff filed this lawsuit on October 17, 2003, seeking to recover damages for copyright infringement relating to three pieces of artwork. An amended complaint was filed on October 24, 2005. On August 7, 2006, this Court entered a default judgment against defendant David He ("He") and permanently enjoined him from selling, manufacturing, and/or distributing copies of the works of art at issue. The case was referred to Magistrate Judge Michael Dolinger for an inquest as to an award of damages against He.

On October 23, 2006, plaintiff filed a second amended complaint, bringing claims against two new defendants. After plaintiff settled the action with respect to all defendants except He, this Court entered an Order of Discontinuance on December 6. The case was reopened on May 3, 2007 for entry of partial final judgment dismissing the action with prejudice as to defendant Jeff Guang and entry of a permanent injunction enjoining defendants Xianyun Ye and Jian Ping Li a/k/a/ Jian Ping Lee and JBL Group from selling, manufacturing and/or distributing copies of the artwork at issue.

On June 5, 2007, Magistrate Judge Dolinger filed a Report and Recommendation ("Report") recommending an award of \$60,000 in statutory damages and \$1,800 in attorney's fees for the plaintiff. As indicated by Judge Dolinger in his Report and pursuant to Rule 72, Fed. R. Civ. P., the parties had ten days in which to file objections to the June 5 Report. No objections by any party have been filed to date.

#### **THE STANDARD**

In reviewing the Report, I "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy


itself that there is no clear error on the face of the record."  
Urena v. People of the State of New York, 160 F. Supp. 2d 606,  
609-10 (S.D.N.Y. 2001) (citing Nelson v. Smith, 618 F. Supp.  
1186, 1189 (S.D.N.Y. 1985)). See also Pizarro v. Bartlett, 776  
F. Supp. 815, 817 (S.D.N.Y. 1991) (court may accept report if it  
is "not facially erroneous").

#### DISCUSSION

Having reviewed the Report, I find no facial errors in it.  
I, therefore, accept and adopt the Report. The Clerk of Court  
shall enter judgment against defendant David He in the amount of  
\$61,800.00 and close this case.

SO ORDERED:

Dated: New York, New York  
August 31, 2007

  
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DENISE COTE  
United States District Judge

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**PLEASE IMMEDIATELY SEND COPIES TO  
ALL COUNSEL**